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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/810,620	02/28/1997	PAUL L. HICKMAN	ENVSP025A	9149

25696 7590 11/27/2001

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EXAMINER
DINH, DUNG C

ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 11/27/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	08/810,620	HICKMAN, PAUL L.	
	Examiner	Art Unit	
	Dung Dinh	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 September 2001* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18,21 and 22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18,21 and 22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

In view of the amended claims, the provisional obviousness-type double patenting rejections are withdrawn.

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> *(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.*

Claims 1-14, 18, 21, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams et al. US patent 5,913,920 and further in view of Frese et al. US patent 5,909,545 and Pitkin et al. US patent 5,341,477.

As per claim 1, Adams teaches a cluster computer system comprising:

a plurality of network accessible computers [workstations] having unique address with respect to each other, each including a central processing unit and non-volatile memory, where each of said computers is connected to a network [see fig.1], where the computer implement host computer programs [fig.2 RC 116, 216]

which permit the computers to operate as host computers for client computers coupled to the network, the client computers controlling the functionality of the host computers [col. 6 lines 17-21], input devices at the client computer can be used to generate inputs to the host computers [apparent from col.6 lines 17-49], and such that image information generated by the host computers can be view by the client computers [col.6 lines 37-49].

Adams does not specifically teaches downloading a client program from the host computer to run on the client computer to enable remote control of the host computer.

Frese teaches a system for remotely controlling application programs running in a host computer over the Internet using a browser at the client computer. Frese teaches downloading remote control module from the host to the client to enable remote control without preinstalling remote-control software on the client computer. This allows any client computer with a browser and Internet access to participate. Hence, It would have been obvious for one of ordinary skill in the art to modify Adams to use downloadble remote-control program because it would have improved the flexibility of the system and expand the system for use over the Internet.

Adams does not specifically teaches a cluster administration computer to monitor the operation of the assessable computers.

Pitkin teaches a administration computer [broker] for computer network server selection. The broker receive request from client computer and suggest one of the network assessable computer [server] that best provide the service to the client. The broker monitor the operation of the network accessible computers [see abstract].

It would have been obvious for one of ordinary skill in the art to combine the broker technology of Pitkin with the system of Adams because it would have enabled automated matching and managing the sharing of the workstations.

As per claim 2, It is inherent that Adams computers can communicate over a plurality of communication channels.

As per claim 3, it is inherent that the accessible computer has bus controller and volatile memory [internal hardware circuitry of a computer].

As per claim 4, Frese teaches a system for remotely controlling application programs running in a host computer over the Internet using a browser at the client computer. Hence, it is

apparent that the system as modified would have used TCP/IP and browser.

As per claims 13 and 18, they are rejected under similar rationale as for claim 1 above. Pitkin teaches the administration computer [broker] provides the computer address such that the client computer become associated with the host computer [apparent from the process of the broker suggesting a server to the client].

As per claim 14, Pitkin teaches the administration computer chooses an accessible computer that is available to perform requested by the client computer [col.2 lines 42-49].

As per claims 5-12, 21, and 22, the recited limitations are inherent in the system as modified.

Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams et al. combination above and further in view of Clark et al. "DAWGS - A Distributed Compute Server Utilizing Idle Workstations".

As per claim 15, Adams does not teach loading personal state of a client. It is well known in the art of remote computing to save state information for later restart or continue processing. Clark teaches a system providing user

with batch and interactive control of remote computer [page 734 col.1]. Clark teaches saving and loading program state information and user configuration data before starting the remote control session [p.734 top of col.2]. It would have been obvious for one of ordinary skill in the art to provide saving and loading client state because it would have enabled the client to save his configuration and restart where he left off.

As per claim 16, It is well known in the art to reset the computer when it is not operating correctly. It would have been obvious for one of ordinary skill in the art to provide a reset capability in the system as modified because it would have enable remote control and diagnostic of the assessable computer.

As per claim 17, it is apparent that the program implenting Adams system as modified would be embodied on a computer readable medium.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Dinh whose telephone number is (703) 305-9655. The examiner can normally be reached on Monday-Thursday from 7:00 AM - 4:30 PM. The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached at (703) 305-4792.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:
Box AF
Commissioner of Patents and Trademarks
Washington, DC 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

(703) 305-9731 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA, Sixth Floor (Receptionist).

Dung Dinh
Primary Examiner
November 19, 2001